



Docket No. 31645-3A

PATENT

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on September 19, 2006.

Bonnie S. Deel

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Vincente Díaz et al : Paper No.:

Serial No.: 10/808,161 : Group Art Unit: 1632

Filed: March 24, 2004 : Examiner: Woitach, Joseph T.

For: **Beta Recombinase in Eukaryotic Cells, Especially for Transgenic Work**

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated July 19, 2006, the Examiner required restriction under 35 U.S.C. §121 between claims 27 and 28, drawn to a method for manipulating the genome of a plant, claims 29 and 30, drawn to a method for manipulating the genome of a pathogenic Gram positive bacteria, and claims 31 and 32, drawn to a method for manipulating the genome of plant.

Applicants hereby elect claims 29 and 30, drawn to a method for manipulating a genome of a pathogenic Gram positive bacteria. This election is made with traverse on the basis that it would not be unduly burdensome for the Examiner to examine all of claims 27-32 in this application as all of the claimed methods are directed to manipulation methods which employ prokaryotic beta recombinase. Accordingly, examination of all of claims 27-32 is requested.

Respectfully submitted,

By

Holly D. Kozlowski
Holly D. Kozlowski, Reg. No. 30,468
Attorney for Applicants
DINSMORE & SHOHL LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8568